

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-442-GKF

JACE CHRISTIAN WILLIAMS,

Defendant.

Motion for Upward Variance

The government hereby incorporates government' Motion for Upward Departure (Dkt #54) in this motion. When determining an appropriate sentence to be imposed, the Court must consider:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed--
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established . . .
- (5) any pertinent policy statement . . .
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

18 U.S.C. § 3553(a).

In the event Defendant's conduct and Owen's extreme suffering do not persuade this Court to depart upward under the pertinent policy statements, applying the additional factors in § 3553(a) shows why Defendant should nonetheless receive a sentence above the guidelines. For the reasons already discussed in Defendant's Motion for Upward Departure (and incorporated in this request for a variance), an upward variance would reflect the seriousness of the offense, provide just punishment for the offense, and afford adequate deterrence. With respect to deterrence, it is worth noting that Defendant has a prior conviction for knowingly concealing property. (PSR at ¶ 22). The three-year deferred sentence he received for that conviction evidently did not deter him from future criminality. The Court should not afford Defendant further leniency here.

Conclusion

An upward variance from the calculated guideline range to an above-guidelines term of imprisonment of 120 months is warranted because an imprisonment term between 41-51 months fails to sufficiently account for Owen's grave suffering and the extreme nature of Defendant's conduct.

Respectfully submitted,
CLINTON J. JOHNSON
Acting United States Attorney

/s/ Richard M. Cella
Richard M. Cella, TX Bar No. 24078328
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

Certificate of Service

I hereby certify that on the 17th day of June, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF recipient:

John Dunn
Counsel for Defendant

/s/ Richard M. Cella
Richard M. Cella
Assistant United States Attorney